

Town Board Minutes

June 2, 2008

Meeting No. 18

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 2nd day of June 2008 at 8:00 P.M. and there were

PRESENT: JOHN ABRAHAM , COUNCIL MEMBER
DANIEL AMATURA, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, TOWN ATTORNEY
LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR
TERRENCE McCracken, GENERAL CREW CHIEF
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES
JOHN TROJANOWSKY, YOUTH BUREAU EXECUTIVE DIRECTOR

PERSONS ADDRESSING TOWN BOARD:

Galczynski, Martin, 2 Northwood Drive, spoke to the Town Board on the following matter:

- Wal-Mart at Transit Road & William Street

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matters:

- Town Building on Walden Avenue
- arbitration matter expenses

Chowaniec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matters:

- property at 647 Harris Hill Road
- topsoil removal from Pleasant Meadow Subdivision

Fronczak, Mike, 3 Woodstream, spoke to the Town Board on the following matters:

- property at 647 Harris Hill Road
- revision of storm sewer bubblers
- storm sewer bubbler at his property
- parking on Shadyside Lane
- property on William Street

Maciejewski, Joseph, 95 Franklin Street, Erie Tax Certificate Corporation, spoke to the Town Board on the following matter:

- property at 647 Harris Hill Road

Tyka, Matt, Genesee Street, spoke to the Town Board on the following matters:

- Noise Ordinance of Town of Lancaster
- Lancaster Speedway

Fichtner, Bill, 655 Harris Hill Road, spoke to the Town Board on the following matter:

- property at 647 Harris Hill Road

Kerchoff, Dave, 37 Shadyside Lane, spoke to the Town Board on the following matter:

- parking problems on Shadyside Lane

Leonardi, Carol, 6 Shadyside Lane, spoke to the Town Board on the following matter:

- parking problems on Shadyside Lane

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Zoning Map of the Town of Lancaster as petitioned by RJF Development for the rezone of property located at the corner of Pleasant View Drive and Pavement Road from an Agricultural Residential District (AR) to Neighborhood Business District (NB).

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Peter Sorgi, Esq. representing RJF Development Corp (the petitioner)		Proponent
Lee Chowaniec	93 Northwood Drive	Proponent

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED, the public hearing was closed at 8:36 P.M.

Decision on this matter was reserved.

June 2, 2008

PUBLIC HEARING SCHEDULED FOR 8:35 P.M.:

At 8:37 P.M., the Town Board held a Public Hearing to hear all interested persons upon an application for a Special Use Permit for a home occupation on premises known as 60 Michael’s Walk.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Richard Koch, the petitioner	60 Michael’s Walk	Proponent
Donald Symer	610 Columbia Avenue	Questions
Mark Wagner	63 Michael’s Walk	Questions

ON MOTION BY COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the public hearing was closed at 8:48 P.M.

Decision on this matter was reserved.

June 2, 2008

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Town Board and the Planning Board held May 19, 2008 and the Regular Meeting of the Town Board held May 19, 2008 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 2008

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Town Board has previously authorized the Supervisor for the Town of Lancaster to enter into a contract with G & K Sewer Construction Company, Inc., 3135 Walden Avenue, Depew, New York 14043 for the purpose of having this contractor complete revision of storm sewer bubblers on an as needed basis to assist the Highway Superintendent in addressing problems which have occurred over time with the storm sewer bubblers where they connect to the main storm sewer on Town roads, and

WHEREAS, the Highway Superintendent has advised that the \$10,000 sum which was appropriated for this work in the resolution of February 26, 2007 has now been expended and has now requested that the Town appropriate an additional sum not to exceed \$10,000, and

WHEREAS, the Town Board has given due consideration to this request and deems it in the public interest to employ this outside contractor to undertake this specialized seasonal work.

NOW, THEREFORE,
BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the appropriation of an additional sum of \$10,000 to be used for payment for work completed by G & K Sewer Construction Company, Inc., 3135 Walden Avenue, Depew, New York 14043 on the revision of storm sewer bubblers at the direction of the Highway Superintendent.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town of Lancaster has previously negotiated a Lease with the Lancaster New York Historical Society, a duly chartered not-for-profit educational corporation under the laws of New York, for the leasing of the Little Red Schoolhouse, a Town-owned building, located at Bowen Road and William Street in the Town of Lancaster, and

WHEREAS, said Lease will expire according to its terms on May 13, 2008 and

WHEREAS, the Historical Society desires to continue to use said leased premises as the Little Red Schoolhouse, and

WHEREAS, it is the intention of the Town Board of the Town of Lancaster, on behalf of the Town of Lancaster to jointly maintain said historical edifice for public use with the Historical Society;

NOW THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized and directed to execute a lease with the Lancaster New York Historical Society leasing the Little Red Schoolhouse on Bowen Road and William Street in the Town of Lancaster for a term commencing May 13, 2008 and terminating May 13, 2018, and further subject to the terms and conditions contained therein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 2008

File: releaselittleredschoolhouse508

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster by letter dated May 21, 2008, has requested the creation of (1) additional position of Crossing Guard, part-time in the Town of Lancaster Police Department due to health issues of the current crossing guard James Gaskin, and

WHEREAS, upon approval of a part-time Crossing Guard, the position will be used to split the hours between the new crossing guard and Mr. Gaskin.

_____ **NOW, THEREFORE, BE IT**

_____ **RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to complete and submit Form PO-17 (New Position Duties Statement) to create one (1) position of Crossing Guard, part-time in the Town of Lancaster Police Department.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Chief of Police by letter dated May 21, 2008, has requested the appointment of Douglas W. Chapman, 311 Stony Road, Lancaster, New York to the newly created position of Crossing Guard, part-time in the Town of Lancaster Police Department.

NOW, THEREFORE, BE IT

RESOLVED, that Douglas W. Chapman, 311 Stony Road, Lancaster, New York be and is hereby appointed to the position of Crossing Guard, part-time in the Town of Lancaster Police Department, effective June 3, 2008, at a rate of \$10.00 per hour as set forth in the 2008 Schedule of Salaries, and that this being a part time position provides no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time employees.

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, a vacancy exists in the position of Town Historian due to the recent retirement of Dr. Harley E. Scott, and

WHEREAS, Karl R. Schurkus, President of the Lancaster, New York Historical Society by letter dated May 20, 2008, has recommended the appointment of Ben Maryniak to the position of Town Historian of the Town of Lancaster.

_____ **NOW, THEREFORE, BE IT**

_____ **RESOLVED**, that Ben Maryniak be and is hereby appointed to the non-compensated position of Town Historian of the Town of Lancaster effective June 3, 2008 through December 31, 2009.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Highway Superintendent of the Town of Lancaster, by letter dated May 20, 2008, has requested the appointment of a laborer, part-time seasonal to work in the Highway Department for the 2008 Summer season.

NOW, THEREFORE, BE IT

RESOLVED, that the following individual be and is hereby appointed to the position of laborer part-time seasonal for the 2008 Summer season in the Highway Department, and that this being a part time position provides no health insurance, sick days, or other fringe benefits not specifically mandated for part-time seasonal employees:

NAME	RATE	EFFECTIVE DATE
Matthew Prentice 22 Broezel Avenue, Lancaster	\$8.50 per hour	June 16, 2008

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the Town’s SWAT team is in need of replacement body armor, and

WHEREAS, State Senator Dale Volker has made \$35,000 available in the form of a Byrne/JAG grant to the Town of Lancaster for the purchase of ballistic vests, leg chaps, and shields for the Town’s SWAT team.

NOW, THEREFORE, BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Division of Criminal Justice Services for the purpose of securing this grant, and

BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town of Lancaster Police Department has formed a Narcotics Division to address the community’s crime problems associated with drugs, and

WHEREAS, State Senator Dale Volker has made \$50,000 available in the form of a Byrne/JAG grant to the Town of Lancaster for overtime costs associated with narcotics investigations.

NOW, THEREFORE, BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Division of Criminal Justice Services for the purpose of securing this grant, and

BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau by letter dated May 28, 2008, has recommended appointments for the Youth Bureau’s Special Exam Prep Session, Summer Skills Building Program, Safe Summer Reinforcement & Enrichment Programs, and Summer Theater Workshop.

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and are hereby appointed to positions in the Youth Bureau’s Special Exam Prep Session, Summer Skills Building program, Safe Summer Reinforcement & Enrichment Programs, and Summer Theater Workshop effective June 1, 2008 through August 31, 2008, at the following rates:

<u>Name</u>	<u>Position</u>	<u>Rate</u>
Gregory Heer (rehire) 3611 Eric Trail Blasdell, NY 14219	Tutor	\$16.00/hr.
Amanda Walsh (new hire) 117 Peppermint Rd. Lancaster, NY 14086	Tutor	\$15.00/hr.
Kristen Reddien (rehire) 3901 Bowen Rd. #71 Lancaster, NY 14086	Tutor	\$16.00/hr.
Michael Domino (rehire) 29 Brunck Road Lancaster, NY 14086	Tutor	\$15.50/hr.
Michelle Ebert (rehire) P.O. Box 437 Lake View, NY 14085	Tutor	\$15.75/hr.
Amy Doody (rehire) 43 Starlite Ave. Cheektowaga, NY 14227	Tutor	\$15.75/hr.
Mary Ann Long (new hire) 522 Beach Rd. Cheektowaga, NY 14225	Tutor	\$15.00/hr.
Lynn Dalfonso (rehire) 60 Village View Lancaster, NY 14086	Choreographer Summer Theater Workshop	\$16.50/hr.
Robert Pacillo (rehire) 124 College St. Buffalo, NY 14201	Music Director/Accompanist Summer Theater Workshop	\$16.00/hr.

John Kaczorowski (rehire) 146 Park Forest Williamsville, NY 14221	Drama Director Summer Theater Workshop	\$15.00/hr.
Cheryl Glose (rehire) 9 Country Place Lancaster, NY 14086	Technical Director Summer Theater Workshop	\$16.50/hr.
Deborah Jasinski (new hire) 236 Christiana St. North Tonawanda, NY 14120	Music Director/Accompanist Summer Theater Workshop	\$15.50/hr.
Jillian Tylenda (rehire) 250 North Creek Dr. Cheektowaga, NY 14225	Choreographer Summer Theater Workshop	\$15.75/hr.
Alaina Zyhowski (rehire) 26 Running Brook Dr. Lancaster, NY 14086	Drama Assistant Summer Theater Workshop	\$11.00/hr.
Jennifer Blank (rehire) 17 Shadyside Lane Lancaster, NY 14086	Tutor	\$16.25/hr.
Sarah Demers (rehire) 140 Culpepper Rd. Williamsville, NY 14221	Tutor	\$15.75/hr.
Lori Wargula (new hire) 110 Brunswick Rd. Depew, NY 14043	Tutor	\$15.50/hr.

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, Fairway Hills, LLC, 2730 Transit Road, West Seneca, New York, 14224, has requested the Town Board of the Town of Lancaster accept work completed under Street Lighting Public Improvement within Summerfield Farms Subdivision, Phase IV within the Town of Lancaster, and

WHEREAS, the Town Engineer by letter dated May 14, 2008 has inspected the improvement and has recommended the approval thereof, and

WHEREAS, the Town Attorney, by letter to the Town Clerk dated May 29, 2008, has reported his favorable review for the acceptance of this public improvement.

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Street Lighting Public Improvement within Summerfield Farms Subdivision, Phase IV be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 639 - Street Lights
and,

BE IT FURTHER

RESOLVED, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AMATURA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the Consolidated Water District of the Town of Lancaster maintains hydrants along the southerly line of Wehrle Drive, between Transit Road and David Road and the south boundary of the Town of Clarence, and

WHEREAS, the Consolidated Water District of the Town of Lancaster has heretofore contracted with the Harris Hill Fire Protection District of the Town of Clarence, and

WHEREAS, the Town Board of the Town of Clarence has duly held a public hearing on behalf of Harris Hill Fire Protection District to contract with the Consolidated Water District of the Town of Lancaster for the said hydrants in accordance with an Agreement approved by the Town Attorney and on file with the Town Clerk, which Agreement has been approved by the Town Board of the Town of Clarence;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized to execute an Agreement by and between the Town of Clarence on behalf of the Harris Hill Fire Protection District, and the Consolidated Water District of the Town of Lancaster, providing for rental of ten (10) hydrants along the southerly line of Wehrle Drive between Transit Road and David Road and the south boundary line of the Town of Clarence, commencing April 1, 2008 and terminating March 31, 2013, all in accordance with the terms of said Agreement.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, General Crew Chief Terrence McCracken, by letter dated May 28, 2008, has requested the appointment of two (2) seasonal employees in the Parks, Recreation and Forestry Department of the Town of Lancaster for summer 2008. These appointments are necessary because individuals previously appointed have declined the position.

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and are hereby appointed to the position of seasonal employees for the summer of 2008 in the Parks, Recreation and Forestry Department of the Town of Lancaster, with no benefits at the following hourly rates:

<u>NAME</u>	<u>POSITION</u>	<u>RATE</u>
Craig Krempa (new hire) 175 Westwood Road, Lancaster	Recreation Attendant (Playground Attendant)	\$7.15/hr.
Jennifer Walczak (new hire) 43 Stutzman Road, Lancaster	Lifeguard	\$7.15/hr.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AMATURA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York, by letter dated May 28, 2008, has requested authorization to remove surplus topsoil from “The Courtyard” at Pleasant Meadows Subdivision, and

WHEREAS, the Town Building Inspector and Town Engineer, by letter dated May 29, 2008 have given approval for surplus topsoil removal for the “The Courtyard” at Pleasant Meadows Subdivision, and

WHEREAS, Marrano/Marc Equity Corporation has certified that the topsoil proposed to be removed from their subdivision is surplus to the needs for the future development of this subdivision and has provided calculations to this effect.

NOW, THEREFORE, BE IT

RESOLVED, that Marrano/Marc Equity Corporation, be and is hereby authorized to remove excess topsoil from “The Courtyard” at Pleasant Meadow Subdivision in accordance with letter dated May 28, 2008.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Orville’s Appliances. has submitted a Site Plan prepared by Kulback’s Construction Incorporated dated April 8, 2008 and received April 23, 2008 for the construction of a 25,025 square foot addition to the rear of the existing building located at 3979 Walden Avenue in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan and at its meeting May 7, 2008 has recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held June 2, 2008 and a negative declaration was issued at that time;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by Orville’s Appliances prepared by Kulback’s Construction, Incorporated, dated April 8, 2008 and received April 23, 2008 for the construction of a 25,025 square foot addition to the rear of the existing building located at 3979 Walden Avenue in the Town of Lancaster with the following condition:

- 1) Raise the weir plate of existing detention basin to hold additional 4" to 6" to the approval of the Town Engineer.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the Supervising Code Enforcement Officer has received information that the building located at 647 Harris Hill Road in the Town of Lancaster, has become dangerous, unfit and unsafe to the general public; and

WHEREAS, said building has been inspected and a written report of the condition has been completed by the Supervising Code Enforcement Officer for the Town of Lancaster, setting forth his findings and recommendations in regard to the repair or demolition and removal of the building, and said written report describes extensive deterioration and damage to the building and premises and recommends that the building be demolished and removed as it has become a safety and health problem; and

WHEREAS, the Supervising Code Enforcement Officer posted a thirty (30) day notice on said property on April 23, 2008; and

WHEREAS, pursuant to Town Code §44-1C repair or removal of said building shall commence within a period of thirty (30) days from the date of said notice, and

WHEREAS, the Town Board has fully considered such written report and has determined that the building is dangerous and unsafe to the general public and unfit for the purpose for which it may lawfully be used; and

WHEREAS, a public hearing was held by the Town Board of the Town of Lancaster on May 19, 2008 to elicit from the public comments relative to the repair or demolition and removal of said building; and

WHEREAS, due process was completed to locate any interested persons.

NOW THEREFORE, BE IT

RESOLVED, that pursuant to the Town of Lancaster Town Code, specifically section 44-4, the said property located at 647 Harris Hill Road in the Town of Lancaster shall be removed.

. The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED NO
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED NO
SUPERVISOR GIZA	VOTED NO

June 2, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER AMATURA, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No. 2470 to Claim No. 2655 Inclusive

Total amount hereby authorized to be paid: \$479,182.79

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 2008

File: Rclams

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

15604	Guardian Fences	184 Siebert Rd	Er. Fence	
15605	Premier Fence Inc	18 Division St	Er. Fence	(V/L)
15606	City Fence Inc	83 Garfield St	Er. Fenc	(V/L)
15607	Siebold Const	39 Southpoint Dr	Er. Res. Alt.	
15608	TR Renovations	22 Brandel Ave	Er. Res. Alt	(V/L)
15609	Demong, Jeremy	5302 Broadway	Er. Deck	(V/L)
15610	All General Builders	475 Pleasant View Dr	Er. Garage	
15611	Neth & Sons	6217 Genesee St	Er. Res. Alt.	
15612	Neth & Sons	204 Siebert Rd	Er. Res. Alt.	
15613	Forestream Village Inc	4711 Transit Rd	Er. Res. Alt.	
15614	Richter, John	41 Livingston St	Er. Fence	(V/L)
15615	Pool Works	10 Joseph Dr	Er. Pool-Abv Grnd	
15616	Mackay, George	54 Tomahawk Trl	Er. Deck	
15617	Gabriel, Craig	5134 William St	Er. Res. Alt.	
15618	Capital Fence	62 S Irwinwood Rd	Er. Fence	(V/L)
15619	North Forest Properties	2829 Wehrle Dr	Er. Comm. Bldg.	
15620	North Forest Properties	2829 Wehrle Dr	Er. Comm. Alt.	
15621	North Forest Properties	2829 Wehrle Dr	Er. Comm. Alt.	
15622	North Forest Properties	2829 Wehrle Dr	Er. Comm. Alt.	
15623	North Forest Properties	2829 Wehrle Dr	Er. Comm. Alt.	
15624	North Forest Properties	2829 Wehrle Dr	Er. Comm. Alt.	
15625	North Forest Properties	2829 Wehrle Dr	Er. Comm. Alt.	
15626	North Forest Properties	2829 Wehrle Dr	Er. Comm. Alt.	
15627	North Forest Properties	2829 Wehrle Dr	Er. Comm. Alt.	
15628	North Forest Properties	2829 Wehrle Dr	Er. Comm. Alt.	
15629	North Forest Properties	2829 Wehrle Dr	Er. Comm. Alt.	
15630	North Forest Properties	2829 Wehrle Dr	Er. Comm. Alt.	
15631	North Forest Properties	2829 Wehrle Dr	Er. Comm. Alt.	
15632	North Forest Properties	2829 Wehrle Dr	Er. Comm. Alt.	
15633	North Forest Properties	2829 Wehrle Dr	Er. Comm. Alt.	
15634	Avalon Services	59 Pavement Rd	Er. Pool-Abv Grnd	
15635	Cappello, Suzanne	8 Signal Dr	Er. Res. Alt.	
15636	Fix, Richard	188 Ransom Rd	Er. Pool-Abv Grnd	
15637	Premier Fence Inc	391 Seneca Pl	Er. Fence	
15638	HD Unlimited	635 Harris Hill Rd	Er. Pool-Abv Grnd	
15639	Rich Pools	428 Aurora St	Er. Pool-Abv Grnd	
15640	Duro Shed Inc	34 Michael's Walk	Er. Shed	
15641	Glinski, Chris	28 Clermont Ct	Er. Pool-Abv Grnd	

15642	Kohrer, Michael	37 Trentwood Trl N	Er. Res. Add.	
15643	Bidwell	3481 Walden Ave	Re-Roof House	(V/L)
15644	Marrano/Marc Equity	17 Red Clover Ln	Er. Dwlg.-Sin.	
15645	Fairway Hills Devel.	37 Avian Way	Er. Dwlg.-Sin.	
15646	Duro Shed	74 Pheasant Run Ln	Er. Shed	
15647	Marrano/Marc Equity	3 Red Clover Ln	Er. Dwlg.-Sin.	
15648	Forbes Homes	242 Enchanted Forest N	Er. Dwlg.-Sin.	
15649	Quility Aluminum II	34 Pleasant Ave	Er. Res. Alt.	(V/L)
15650	Double D Contracting	1146 Penora St	Re-Roof House	
15651	Aqua Systems	1 Logan Ln	Inst. Inground Sprinkler	
15652	Aqua Systems	3 Logan Ln	Inst. Inground Sprinkler	
15653	Aqua Systems	7 Logan Ln	Inst. Inground Sprinkler	
15654	Aqua Systems Inc	21 Logan Ln	Inst. Inground Sprinkler	
15655	Aqua Systems	23 Logan Ln	Inst. Inground Sprinkler	
15656	Aqua Systems	10 Dover Ct	Inst. Inground Sprinkler	
15657	Fences By Precision	62 Lancaster Ave	Er. Fence	(V/L)
15658	Neth & Son Inc	202 Enchanted Forest S	Re-Roof House	
15659	Kandler, John	208 Broezel Ave	Er. Fence	
15660	Marrano/Marc Equity	18 St Davids Rd	Er. Dwlg.-Sin.	
15661	Marrano/Marc Equity	2 Chicory Ln	Er. Dwlg.-Sin.	
15662	Marrano/Marc Equity	48 Avian Way	Er. Dwlg.-Sin.	
15663	Marrano/Marc Equity	55 Avian Way	Er. Dwlg.-Sin.	
15664	Fences By Precision	45 Spruceland Ter	Er. Fence	
15665	Leo Cudney Const.	478 Central Ave	Re-Roof House	
15666	Sun Enterprises	18 Linden Ave	Er. Shed	(V/L)
15667	State Home Improv.	5222 Genesee St	Re-Roof House	
15668	Vacinek Heating	20 Hidden Trl	Re-Roof House	
15669	Majestic Pools	58 Pheasant Run Ln	Er. Pool-Abv Grnd	
15670	Powell, Richard	266 Iroquois Ave	Re-Roof House	
15671	Iroquois Fence Inc	589 Pleasant View Dr	Er. Fence	
15672	Southtowns Restoration	5082 William St	Er. Deck	
15673	Iroquois Fence Inc	108 Pheasant Run Ln	Er. Fence	
15674	HD Unlited Inc	165N Maple Dr	Er. Pool-Abv Grnd	
15675	Long, Charles	33 Woodgate Dr	Er. Res. Add.	
15676	City Fence Inc	4897 William St	Er. Fence	
15677	Wrobel, Daniel	266 Ransom Rd	Er. Pool-In Grnd	
15678	Rich Pools	133 Nathan's Trl	Er. Pool-Abv Grnd	
15679	F & D Construction	291 Seneca Pl	Er. Res. Add.	
15680	Gagliano Construction	432 Townline Rd	Er. Garage	
15681	Lund, George	720 Townline Rd	Re-Roof House	
15682	Overbeck, Paul	1389 Ransom Rd	Er. Sign-Temp	
15683	Murphy, Jeffrey	4 Parkedge Dr	Er. Shed	
15684	Martin, David	3464 Bowen Rd	Er. Shed	
15685	Holiday Remodeling	157 Brunck Rd	Er. Dwlg.-Sin.	
15686	Grau Builders	25 Logan Ln	Er. Dwlg.-Sin.	
15687	Glinski, Chris	28 Clermont Ct	Er. Deck	
15688	Volpe Remodeling	195 Westwood Rd	Re-Roof House	
15689	Besroi Construction	3 Gale Dr	Re-Roof House	

15690	Besroi Construction	75 Second Ave	Re-Roof House	(V/L)
15691	F & D Construction	45 Seneca Pl	Re-Roof House	
15692	City Fence Inc	148 Central Ave	Er. Fence	(V/L)
15693	Monti, Robert	5813 Broadway	Inst. Comm. Plumbing	
15694	Duro-Shed Inc	47 E Home Rd	Er. Shed	
15695	Sun Enterprises	84 Old Post Rd	Er. Shed	
15696	Stockmohr Co	4 Spruceland Ter	Re-Roof House	
15697	Premier Fence Co	2010 Como Park Blvd	Er. Fence	(V/L)
15698	Howard, Katrina	81 Cotton St	Re-Roof House	(V/L)
15699	Pleasant Meadows Assoc	15 Juniper Blvd	Er. Deck	
15700	Global Marketing Intl	37 Chicory Ln	Er. Shed	
15701	Iroquois Fence Inc	26 Sawgrass Ln	Er. Fence	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 2008

COMMUNICATIONS & REPORTS

256. Erie County Department of Environment & Planning to Supervisor -
Notification of Lead Agency Designation regarding rezone application for Affordable Senior Housing, 6026 Broadway; comments and recommendations noted. DISPOSITION = Planning Committee
257. Highway Superintendent to Planning Board Chairman -
Notice of no concerns regarding rezone petition for RJF Development, Pleasant View Drive and Pavement Road. DISPOSITION = Planning Committee
258. Harris Beach PLLC to Town Clerk -
Notice of liquor license application for Scotts Buffalo Wings Inc. dba Quaker Steak and Lube, 6727 Transit Road. DISPOSITION = Received & Filed
259. General Crew Chief to Planning Board, Council Members Abraham, Ruffino, & Stempniak -
Notice of no concerns from Town Forestry Department regarding updated landscape plan for Aldi Food Store, 4931 Transit Road. DISPOSITION = Planning Committee
260. General Crew Chief to Planning Board, Council Members Abraham, Ruffino, & Stempniak -
Notice of no concerns from Town Forestry Department regarding site plan for West Herr Toyota Car Dealership. DISPOSITION = Planning Committee
261. Roy Schneggenburger to Town Clerk -
Comments regarding Town Board meeting of May 19, 2008. DISPOSITION = Received & Filed
262. Village of Lancaster to Town Board -
Minutes of meeting held May 12, 2008. DISPOSITION = Received & Filed
263. Village of Lancaster to Town Board -
Minutes of work session held May 12, 2008. DISPOSITION = Received & Filed
264. Highway Superintendent to Town Board -
Request resolution to hire summer help. DISPOSITION = Resolution 6/2/08
265. Town Attorney to Town Board, Planning Board -
Notice of SEQR meeting to be held Monday, June 2, 2008, 6:30 PM regarding rezone applications for RJF Development and Affordable Senior Housing, and Orville's Appliances. DISPOSITION = Received & Filed
266. Town Clerk to Various News Media -
Notice of SEQR meeting to be held Monday, June 2, 2008, 6:30 PM regarding rezone applications for RJF Development and Affordable Senior Housing, and Orville's Appliances. DISPOSITION = Received & Filed
267. President, Lancaster Historical Society to Supervisor -
Recommendation to appoint Ben Maryniak as Town Historian. DISPOSITION = Resolution 6/2/08
268. Captain Riccardo M. Zuppelli to Supervisor -
Request resolution to create position of Crossing Guard, Part-time.
DISPOSITION = Resolution 6/2/08
269. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Town Attorney, Highway Superintendent, Building Inspector -
Draft copy of minutes of meeting held May 21, 2008. DISPOSITION = Received & Filed
270. Planning Board to Town Board -
Recommendation of approval for rezone application for Greenfield Community, south side of Broadway. DISPOSITION = Planning Committee

271. Planning Board to Town Board -
Notice of tabling of conceptual plan for West Herr Toyota Car Dealership, east side of Transit; condition noted. DISPOSITION = Planning Committee
272. Erie County Department of Public Works to Town Attorney -
Notification of Lead Agency Designation regarding rezone application for Greenfield Community, south side of Broadway. DISPOSITION = Planning Committee
273. Erie County Department of Public Works to Town Attorney -
Notification of Lead Agency Designation regarding SEQR for West-Herr Toyota Dealership, east side of Transit. DISPOSITION = Planning Committee
274. Erie County Department of Health to Town Attorney -
Comments regarding lead agency solicitation letters to the Health Department. DISPOSITION = Planning Committee
275. Executive Director, Youth Bureau to Supervisor -
Request appointment of summer personnel for Youth Bureau programs. DISPOSITION = Resolution 6/2/08

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the meeting was adjourned at 10:01 P.M. in memory of Edward J. Moll.

Signed _____
Johanna M. Coleman, Town Clerk

